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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,356	04/15/2004	Toshiyuki Suzuki	4826-0104PUS1	6311

2292 7590 03/21/2007  
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EXAMINER
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GEISEL, KARA E

ART UNIT	PAPER NUMBER
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2877

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/21/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/21/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	Application No. 10/824,356	Applicant(s) SUZUKI, TOSHIYUKI	
	Examiner Kara E. Geisel	Art Unit 2877	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-11 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-7, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Manning (USPN 5,760,889), previously cited.

In regards to claim 1, Manning discloses a method for measuring fundamental data of a lens, comprising illuminating the lens (fig. 7, 31) with a light (32) at a predetermined angle of incidence (36, which is identical to fig. 4, 7, which converts the light from the light source 1 to a predetermined angle of incidence) from a first surface side of the lens (top surface of 31), measuring degree of refraction of the transmitted light that passes through the lens (via 35) from a second surface side of the lens (bottom side of 31), calculating the fundamental data of the lens based upon a plurality of "angle of incidence - degree of refraction" relationships obtained by measuring the degree of refraction with respect to a plurality of different angles of incidence (column 2, lines 49-67 and column 5, lines 29-56), and outputting the calculated fundamental data of the lens (column 3, lines 5-7).

In regards to claim 2, the calculating step comprises the step of calculating the fundamental data of the lens based upon the "angle of incidence-degree of refraction" relationships relating to at least three different angles of incidence obtained for each of the two surfaces of the lens (as can be seen by fig. 4, the scanner 26 directs the light in three distinct angles towards the lens 4. Furthermore it is disclosed that the scanner can be used in fig. 7 to scan across many angles (column 5, lines 33-37)).

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manning (USPN 5,760,889), previously cited in view of Strickland et al. (USPN 5,576,827), newly cited.

In regards to claim 5, Manning discloses a device for measuring the fundamental data of a lens (figs. 4 and 7) comprising means (1, 32) for illuminating the lens (4, 31) at a plurality of different angles of incidence (26 scans the light across the lens at different angles) from a first surface side of the lens (top surface of 31), means for detecting transmitted light that passes through the lens (35) from a second surface side of the lens (bottom surface of 31), a processor (11) in communication with the illuminating means and the detecting means, the detecting means communicating signals corresponding to the transmitted light to the processor (column 2, lines 55-67; generally discloses the communication of the detectors to the processor; detector 35 would have the same process), wherein the processor calculates the degree of refraction of the transmitted light that passes through the lens based upon the output signal of the detection means, and calculates the fundamental data of the lens based upon a plurality of "angle of incidence-degree of refraction" relationships obtained for a plurality of different angles of incidence (column 5, lines 29-56). It is not disclosed that the processor causes illumination of the lens with the light from the illuminating means at the predetermined angles of incidence. However, it is well known in the art to have the processor control the light source of a measurement system, as well as the scanning means which controls the angles of incidence, in order to automate the measurement system, making the device run much more efficiently.

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For example Strickland generally discloses a measurement system which comprises a processor causes the illumination of a measured object at a predetermined angle of incidence (column 20, lines 40-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the processor of Manning's device cause illumination of the lens with the light from the illuminating means at the predetermined angles of incidence in order to automate Manning's system, therefore making it more efficient.

In regards to claim 6, the device further comprises means for displaying the fundamental data calculated by the processor (fig. 4, 15).

In regards to claim 7, the display and processor can show any type of graphical representation of the measured data that the user desires.

In regards to claim 12, the illuminating means comprises a plurality of light sources (column 3, lines 37-39 and 46-50) with different distances from the lens (fig. 7, has the beams of the light sources starting perpendicular to the lens 31. Therefore each light source representing a specific beam angle would be at a different distance from the lens), and a reflective mirror for illuminating the lens with light from any of those light sources (33).

In regards to claim 13, the illuminating means illuminates the lens at no less than two of the three different types of illumination angles: divergent, parallel, and condensing (fig. 4).

#### ***Allowable Subject Matter***

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims for the reasons set forth in the previous Office Action (paper number 20060911).

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Claims 8-11 are allowed over the prior art of record for the reasons set forth in the previous Office Action (paper number 20060911).

The following is a statement of reasons for the indication of allowable subject matter:

As to claim 4, the prior art of record, taken alone or in combination, fails to disclose or render obvious a method for measuring fundamental data of a lens wherein a calculating step comprises the steps of (1) representing the fundamental data of the lens as a function having a refractive index as a variable, based upon the "angle of incidence--degree of refraction" relationships relating to at least three different angles of incidence obtained for one surface of the lens, and (2) calculating the changes in the fundamental data at each measurement point by substituting appropriate numerical values for the refractive index, in combination with the rest of the limitations of claim 4.

#### ***Response to Arguments***

Applicant's arguments filed December 22<sup>nd</sup>, 2006 have been fully considered but they are not persuasive. In fig. 7, Manning shows illumination and measurement on different sides of the lens (source 32, detector 35). Therefore, the amendment does not overcome this rejection, and the rejection has been maintained.

The Official Notice of the previous Office Action (paper number 20060911), has been replaced with a teaching of the reasoning behind the Official Notice, in order to place the case in better form for appeal by the applicant.

#### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

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shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

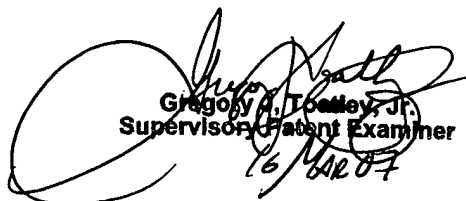
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kara E Geisel whose telephone number is **571 272 2416**. The examiner can normally be reached on Monday through Friday, 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on **571 272 2800 ext. 77**. The fax phone number for the organization where this application or proceeding is assigned is **571 273 8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Toatley, Jr.  
SPE  
Art Unit 2877

K.G.  
KEG  
March 8, 2007

  
Gregory J. Toatley, Jr.  
Supervisor Patent Examiner  
16 MAR 07